



designated as Civil Action File No. 23A01612 in that Court. A copy of Plaintiff's *Complaint*, along with the *Summons*, are attached hereto as collectively as Exhibit "A."

2.

Defendant shows that said suit was instituted on April 13, 2023 in the State Court of DeKalb County and served upon Defendant on May 5, 2023. Copy of the *Sheriff's Entry of Service* is attached hereto as Exhibit "B." Defendant shows this Notice of Removal is filed within thirty (30) days from the date of said service of this suit on Defendant.

3.

Plaintiff Christasha Harvey ("Plaintiff") is a citizen of the State of Georgia and was a citizen of the State of Georgia on the date of the filing of the aforesaid civil action. (Complaint ¶ 1).

4.

Defendant is a registered foreign insurance company organized under the laws of the State of New York, with its principal place of business in New York. Defendant is not a citizen of the State of Georgia, and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action, though it is authorized to transact business in Georgia and has a registered agent in DeKalb County. (Complaint ¶ 2).

5.

Therefore, Defendant's citizenship is diverse to that of Plaintiff, and there is complete diversity of citizenship between the parties in accordance with 28 U.S.C. § 1332 (a)(1).

6.

Plaintiff's Complaint seeks damages for an alleged breach of an insurance policy issued by Defendant to Christasha Harvey for a theft of luggage along with the contents of that luggage. Plaintiff's Complaint seeks bad-faith penalties and attorney's fees pursuant to O.C.G.A. § 13-6-11. See generally, Complaint.

7.

In the Complaint, Plaintiff alleges damages sufficient to compensate Plaintiff as well as attorney's fees and costs pursuant to O.C.G.A. § 13-6-11. *See Complaint, ¶ 21 and Count I: Breach of Contract Claim.* Plaintiff's claim when made totaled Three Hundred Eighty-Four Thousand and Seven Hundred and Seventy-Seven Dollars (\$384,775.00). (See *Answer and Affirmative Defenses*, Paragraph 11, and *Claims Detail Document*, page 1, attached at Exhibit "D").

8.

Based on the allegations of Plaintiff's Complaint, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. See generally, Complaint and Answer and Affirmative Defenses, and Claim Detail Document . To the extent

Plaintiff contests the amount in controversy has not been met, Defendant will consent to remand in exchange for a court order precluding a recovery of damages in excess of \$75,000.

9.

The registered agent for Defendant, United Corporate Services, Inc. is located at 4228 First Avenue, Suite 14, Tucker, GA 30084, DeKalb County, Georgia. (Complaint ¶ 2).

10.

Defendant filed its *Answers and Affirmative Defenses* (“Answer”) and *Request for Jury Trial* (“Jury Demand”) in the State Court of DeKalb County on June 5, 2023. Copy of the *Jury Demand* is attached hereto as Exhibit “E”.

11.

Moreover, Defendants are concurrently filing a written Notice of Removal with the Clerk of the Superior Court of DeKalb County, a copy of said notice being marked as “Exhibit F” and attached hereto.

12.

A copy of the Notice of Removal of Action and Notice of Filing Notice of Removal are being served on Plaintiff’s attorney of record in the State Court proceeding and is being filed with the Clerk of the State Court of DeKalb County in accordance with 28 U.S.C. § 1446 (d).

13.

By filing this Notice of Removal, Defendant does not waive, and hereby reserve all defenses to Plaintiff's Complaint, including but not limited to, failure to state a claim, lack of personal jurisdiction, improper venue and/or insufficiency of service of process.

WHEREFORE, Defendant requests this Court assume full jurisdiction over the cause herein as provided by law, and that further proceedings in the State Court of DeKalb County, State of Georgia be stayed. Defendant further demands that the trial of this matter in federal court be heard by a jury.

Respectfully submitted this 5<sup>th</sup> day of June 2023.

**SWIFT CURRIE McGHEE & HIERS, LLP**

/s/ Tracy A. Gilmore

TRACY A. GILMORE

Georgia Bar No. 633193

MAREN R. CAVE

Georgia Bar No. 278448

*Attorneys for Defendant*

1420 Peachtree Street, N.E.

Suite 800

Atlanta, GA 30309

(404) 874-8800 (P)

[Tracy.gilmore@swiftcurrie.com](mailto:Tracy.gilmore@swiftcurrie.com)

[Maren.cave@swiftcurrie.com](mailto:Maren.cave@swiftcurrie.com)

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this document was prepared in Times New Roman font, 14 points, and complies with Local Rule 5.1(C) of the Northern District of Georgia.

**SWIFT CURRIE McGHEE & HIERS, LLP**

*/s/ Tracy A. Gilmore*

TRACY A. GILMORE

Georgia Bar No. 633193

MAREN R. CAVE

Georgia Bar No. 278448

*Attorneys for Defendant*

1420 Peachtree Street, N.E.

Suite 800

Atlanta, GA 30309

(404) 874-8800 (P)

[Tracy.gilmore@swiftcurrie.com](mailto:Tracy.gilmore@swiftcurrie.com)

[Maren.cave@swiftcurrie.com](mailto:Maren.cave@swiftcurrie.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing *Notice of Removal of Action Under 28 U.S.C. Section 1441(B) (Diversity)* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and upon all parties to this matter as follows:

Michaels E. Russ, Jr.  
THE RUSS LAW FIRM  
101 Marietta Street NW  
Suite 3340  
Atlanta, Georgia 30303  
[m.russ@russfirm.com](mailto:m.russ@russfirm.com)

This 5ht day of June 2023

**SWIFT CURRIE McGHEE & HIERS, LLP**

BY: /s/ Tracy A. Gilmore  
TRACY A. GILMORE  
Georgia Bar No. 633193  
MAREN CAVE  
Georgia Bar No. 278448  
*Attorneys for Defendant*

1420 Peachtree St NE  
Suite 800  
Atlanta, GA 30309  
(404) 874-8800  
[tracy.gilmore@swiftcurrie.com](mailto:tracy.gilmore@swiftcurrie.com)  
[maren.cave@swiftcurrie.com](mailto:maren.cave@swiftcurrie.com)

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